

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

CHRISTINE SCHARA,

*

Plaintiff,

*

vs.

*

CASE NO. 3:10-cv-57 (CDL)

TOYOTA MOTOR MANUFACTURING,
KENTUCKY, INC.,

*

*

Defendant.

*

O R D E R

The Court previously denied the summary judgment motion filed by Defendant Toyota Motor Manufacturing, Kentucky, Inc. ("Toyota") in this product liability action. *Schara v. Toyota Motor Mfg., Ky., Inc.*, No. 3:10-cv-57 (CDL), 2013 WL 790762, at *1 (M.D. Ga. Mar. 4, 2013). In that Order, the Court found that genuine issues of material fact exist as to whether Plaintiff Christine Schara's ("Schara") vehicle was defectively designed. *Id.* The Court failed to specifically address Schara's punitive damages claim, although Toyota's motion for summary judgment sought summary judgment as to that claim. Toyota now seeks reconsideration of the Court's order asking that the Court grant partial summary judgment on Schara's claim for punitive damages (ECF No. 30). In response to Toyota's motion for summary judgment, Schara made no argument regarding her claim for punitive damages. Thus, Schara has abandoned that claim.

Resolution Trust Corp. v. Dunmar Corp., 43 F.3d 587, 599 (11th Cir. 1995). For that reason, the Court grants Toyota's motion for reconsideration (ECF No. 30) and grants summary judgment in favor of Toyota as to Schara's punitive damages claim.

IT IS SO ORDERED, this 19th day of March, 2013.

S/Clay D. Land

CLAY D. LAND
UNITED STATES DISTRICT JUDGE